

MINUTES

P & Z COMMISSION HEARING

May 15, 2008

ATTENDANCE P & Z Commissioners

ATTENDED

1. John Dalton
2. Wendell DeCross
3. Carol Davis
4. Ruth Ann Smith
5. Jason Hatch
6. Robert Ingels
7. Rick Slone

ABSENT

Evelyn Meadows
Joel Lawson
Tom Thomas

Staff Attendance

1. Bill Fraley, Deputy Director of Planning & Zoning
2. Ken Kube, Assistant Deputy Director
3. Jim Matteson, County Engineer
4. Alberto L. Peshlakai, Secretary

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time 6:02 p.m.

John Dalton called the meeting of the Navajo County Planning & Zoning Commission to order and explained the meeting procedures to the public. **Mr. Dalton** then led the Pledge of Allegiance.

Item #1- SPECIAL DEVELOPMENT ZONE CHANGE AND MASTER DEVELOPMENT SITE PLAN APPLICATION: Discussion and possible Commission action on a request by Lynn Welnick, agent for Old West, LLC for a Zone Change from CR to Special Development and to approve a Master Development Site Plan Application for the proposed Elk Pines RV Resort Condominiums, a planned single family development on the subject property known as APN: 206-27-014L in Township 12 North, Range 17 East, Sections 33 of the Gila and Salt River Meridian, in the Heber-Overgaard area.

Bill Fraley introduced Ken Kube, the new Assistant Director of Planning and Zoning to the Commissioners. Mr. Kube has worked for Navajo County Public Works in the past, and looks forward to working with the Commissioners, in the future. **John Dalton** asked if both requests for this item can be handled at the same time, with two separate motions. **Mr. Fraley** answered that the Zone Change and the Master Development Site Plan could go together and be handled with one motion, then move on to the Tentative Plat item. The site plans to be shown concern both items and for the most part are interchangeable. Staff has received a number of emails and letters which were forwarded to the Commissioners. With recent staff changes, we are struggling in-house to clarify descriptions on notification letters sent to surrounding property owners, in order to make them easier to understand. The letter sent out on this particular item gave the impression that a number of condominiums were being constructed, which is not the case. We will contact the property owners to clear up the misunderstanding and continue to work on these issues. Mr. Fraley displayed a site plan and identified the parcel locations on the map. He also pointed out the location of neighboring subdivisions and property structures, and the proposed new 20 units' site in Phase II. Staff has received letters from the Fire Department, Navopache, and the Arizona Water Company, which were made available to the Commissioners. The Fire Department has reviewed the plans and has agreed to provide service. The Zone Change and Site Plan

acreage totals 9.26 acres. Phase I contains 6.98 acres, which will be addressed in Item #2 on the Tentative Plat, the remaining 2.28 acres will be dealt with as Phase II. There is one existing access entrance off SR 260 to the subject parcel. The Applicants are proposing an additional entrance, which has been reviewed by engineering staff, and they see no problems with the location, however the applicant will have to get approval from ADOT to make the change. The surrounding properties are mostly zoned CR along the highway, and even behind into the residential zone. The predominant use is commercial, single family dwellings, and some established subdivisions in the area, so there is a good mixture site right next to the existing Overgaard Springs subdivision. They do allow resorts under Commercial Zoning. The stated reason for this request is to change the zoning classification from CR to Special Development to allow the existing rental units to be sold under the condominium concept, which requires a Special Development Zoning classification. That is the only classification that covers condominiums. This is a permitted use, and some may remember the application went through the planning Commission and Board of Supervisors a number of years ago and was approved. The existing sewer system was also approved by ADEQ. If the Commission has any questions regarding the sewer system, Jim Matteson would be available to answer those questions. The items were duly posted and advertised as required by law, and staff received two letters in opposition from property owners within the 300 foot boundary.

The Engineering Division has reviewed the Conceptual Master Site Plan and their primary concerns were the streets and the handling of the sewer in Phase II. The private streets will of necessity be only 30 feet, due to the existing land use and configuration of the park. The right of way will be a tract, rather than a conventional right of way. Mr. Fraley added, since the roadway will be private, the applicants will provide their own maintenance and will not come to the County for any maintenance needs.

The Flood Control Staff has reviewed the Site Plan. The proposed project is outside of the FEMA Floodplain, per Map 2164C, but the project site is in the watershed of the Oklahoma Flats floodplain. Flood Control Staff has no objections to the proposed site plan; Mr. Vela has been on site and has reviewed the project, but recommended a condition be placed on Phase II to require a drainage study.

The Planning Department's biggest concern is the effluent. Staff has no aversion to the units being converted from rental units to units for sale. Another concern staff has is the placement of Park Model Homes on the existing system with the possibility for more connections. We are waiting for a ruling from ADEQ, but should you choose to grant the Zone Change and Master Development Site Plan, we would suggest that it be allowed at least until the Final Plat stage for that issue to be addressed and resolved. Staff also recommends the stated conditions, which are listed below, be applied to the Master Development Site Plan.

Mr. John Welnick and Lynn Welnick Owner/Applicants of Old West LLC., were in attendance, along with their project engineer Jenny Vitale. **John Welnick** addressed the Commission and offered to answer any general questions they might have, but any technical questions could be addressed to their engineer. No one from the public came forward in favor of the project.

With no questions at this time, **Mr. Dalton** asked for those in opposition to the project to come forward to speak to the Commission. No one from the public came forward in opposition to the project. At that point **Mr. Dalton** turned the time back over to Staff. **Bill Fraley** said that the Planning Department is satisfied with the project, as presented, and will answer any questions or concerns the Commissioners may have. **John Dalton** turned the time over to the Commissioners for questions. **Robert Ingels** said that as Commissioners, we have codes and rules that we have to follow, when considering a Special Development Zoning, instead of the Commercial Residential zoning that is currently in place. These units are now being operated as a commercial enterprise, and though we understand the concept of the individual lot purchasers becoming partners in the operation and being more accountable, he has some concerns. The purpose of the Special Development Zoning is to provide for the development of subdivision and other land use projects containing various dwelling types, necessary commercial centers, off street parking areas, open space areas for recreation and to preserve a rural atmosphere. The letters and emails expressing opposition have proposed building a block wall to confine the users of this site to the premises, versus their private properties being used as a playground by the owner/applicant's residents. As a Commissioner I hoped to hear about new amenities or on site provisions for the open

space called for within this zone, or how you would transition the perimeter or provide buffering to minimize the negative impact of the development as it exists. **John Welnick** asked for examples of the negative impact. **Mr. Ingels** said the site is very modern and up-to-date, and the onsite maintenance seems to be very satisfactory. However to the rear of the property the onsite drainage flows into a retention area which had a lot of litter in it, and doesn't seem to be providing recreational value. Letters from adjacent property owners suggest that quads are running on their properties, and people are out walking dogs on their properties, the dead trees are noticeable at the rear of the property which could be a fire hazard, which should probably be better monitored. The trash enclosure at the rear of the property is unshielded, so the adjacent property owners, who have to pick up the trash that has blown onto their properties, feel there is a lack of concern for their personal property rights to enjoyment. **Mr. Welnick** said they would be happy to clean up any downed trees or fire hazards, and said the drainage area on the west side, was a good buffer between the properties. They have also planted trees which would act as a buffer. They do have an area to put the trash bins, and it would not be a problem to enclose those to make it less unsightly. **Mr. Ingles** said that would help aesthetically, but the main reason zoning exists is to minimize the different uses between new development and old. It is the Commissioners role to make this a win, win situation for all involved. During his onsite visit, situations stated in the opposition letters were not apparent. However, with the intensity of use anticipated, certain restrictions or stipulations on the condition to approve this plan might include the perimeter being fenced before Phase II even starts. The drainage ditch may work well for your use in removing water away from your property, but it is not an effective buffer from the adjacent properties. **Jenny Vitale**, the project engineer, was a part of the original application process and worked with Dave Ashton and Dick Young as well as ADEQ to come up with a solution, to keep the drainage from affecting other properties, onsite sewer systems, and to make everything fit on the site. This drainage structure handles water not only on the Welnick property but from SR 260, Heber Springs Condominiums and all the properties that line SR 260 to Mogollon Drive. The riprap is absolutely essential to prevent scouring of the drainage swells. The swells are also lined so they will not have issues with the onsite trenches for the septic. It is hard to make rip rap look pretty, but it is functional. **Mr. Ingels** asked for a short description of how the septic system worked. **Ms. Vitale** said that at the time the perc tests were done, they had to perform tests on the whole site. It was determined that every six to seven RV spaces would be on its own septic tank with a set of leach fields. At the time the primary and reserve leach fields had a valve that allows them to switch back and forth. If there is a problem with the primary fields they can literally switch the valve and keep things functioning while they assess what the problem is with the primary disposal field. No roads have to be torn up, no dust has to be created in digging new trenches, and the extra cost was put in up front to do everything the right way the first time around. **Wendell DeCross** asked where the leach fields were located. **Ms. Vitale** responded, the fields are located under the roadway under the common areas. The tanks are typically inside the boundary of RV spaces outside of the roadway and have been functioning without issues since 1999. **Ruth Ann Smith** said, from an engineering point of view this hasn't been a full time facility used year round. Ms Vitale agreed that the site has been closed in the winter. Ms. Smith's question was how the systems are going to be able to provide the necessary service for heavier use possibly year round. **Ms Vitale** said that when you design a septic system for ADEQ you don't have the option of designing for temporary use, or a seasonal home; you have to design for year round use based off maximum daily flow rates that haven't changed. **Mr. DeCross** asked if the septic system now in use would be approved by the ADEQ if it were designed today. **Ms. Vitale** said the ADEQ would have issues with the trenches under driveway, the rules changed back in 2001; we differentiated between deep trenches and the shallow trenches and we found there was absolutely no point for that because there were no facts to back up how the trenches would or would not function. That is why they did away with that rule change in 2005. They were leery of trenches being able to function under driveways because they worried about the evaporation rate, and how they interact with the air. In northern Arizona you don't have the same evaporation rate we have in the desert. The trenches have three feet of cover, so the structural load of traffic over the roadway gets dissipated. ADEQ has a provision that is called A312G which is a Variance for Septic; on occasions when RV parks are out of space, there is no other choice but to put them under

the driveways. Kingman has several RV parks with this scenario, so there have been others designed after the rule change took place. **Mr. DeCross** asked if the valve installed to switch between the primary and secondary leach fields was planned because they anticipated problems with the system. **Ms. Vitale** answered No, the valves were installed because they knew they would be paving the roads. ADEQ felt it would be expensive to dig up the roads and more than annoying to take six RV spaces out of use during the season to fix a septic problem, so this was a compromise ADEQ came up with for allowing them to put trenches under the roadway. Mr. DeCross agreed with the concerns of the other commissioners and felt a stipulation or condition should be placed on the resolution to fence the entire property to keep the park residents from crossing or going onto other people's property. Lynn Welnick said they would not have a problem with fencing the property, with the possible exception of the west side where the drainage is located. There may not be enough room to put a fence, but the trees are maturing and will provide a shield in that area. They had originally planned to fence the area, but the park residents wanted to keep the area open. **Jenny Vitale** added that they share the drainage easement with the Overgaard Springs property which means they would have to put a fence in the middle of the drainage swell which may not be possible on the condominium side. Most of the neighbors are having problems on the Woodland Acres side. Putting a fence in that area would address the issue of people walking off site. **Rick Slone** was familiar with the site and agreed that the west side would not be practical to fence, since it also adjoins a commercial property, and did not feel they should have to bear the expense of fencing the drainage ditch. The problems seem to be on the residential side, and since there were only two letters out of all the residents in the area, fencing the remainder of the property would solve the potential quad invasion, and the other problems they were talking about. **Ms. Vitale** felt that it would take away from the rural atmosphere if there was a six foot fence, and felt a split rail fence would suffice. **Mr. DeCross** pointed out that the fence is not needed, but required because of the problems previously stated, by residents in the area. **Mr. Welnick** acknowledged that they did have a problem a year and a half ago with some of the patrons going through the property with an ATV, but they effectively stopped that at the time. He did not think there had been any problems since. **Mr. Slone** agreed that fencing the area where there have been problems would make the project more cost effective. He also liked the condominium idea, and felt patrons would take more pride in the area if they own it rather than renting it temporarily. When asked if they would also have a HOA (Home Owners Association). **Mr. Welnick** answered that the HOA would be established, along with CC&R's. **Mr. Sloan** said that other issues could be handled by the HOA in the later stages, and felt this would be great for the park patrons. When asked if the area would be gated, **Mr. Welnick** replied yes, the property would be gated. **Robert Ingels** asked if there would be individual water meters or would they collectively pay the HOA for their share. **Mr. Welnick** said they would pay the HOA their share of the water bill. When asked if the retention basin on lot six, has someone responsible for management, and if it could be used as a community open space for the rear of a residential lot, **Jenny Vitale** answered that it's all of the above, there are easements in place for the operation and maintenance of the off site basin, and the county has the right to come to check and verify that it is maintained. **Mr. Ingels** felt the basin has been grossly neglected, and fencing would be needed to keep the owners, who have relatively small parcels, from seeking the private property open spaces. A split rail fence would be insufficient in containing the activities to the site, when there are green lush open spaces they can explore just beyond the boundary. The Commissioners discussed the different aspects of a screened fence versus the split rail fence, and the adjacent property owner's right to privacy. **Ruth Ann Smith** added, from the letters and calls she has received, the fencing was requested, not only to stop the foot traffic and ATV traffic, but also to screen the development from the adjacent neighbors' properties. The property use is changing from seasonal to full time residential use, so there will be significantly more long term density to figure into this whole equation. **Ms. Vitale** pointed out that the RV Park was already in operation before the houses were built, so it was no surprise that there was an RV park in their backyard. She felt there could be a compromise by using more vegetation, and rural fencing outside that would make everyone happy. **John Dalton** replied that complaints received from adjacent owners that they have to pick up trash from the park, as well as worry about kids and ATV's, on their land, thought a block wall would be overkill, but a split rail would not serve the purpose of keeping kids or ATVs out of

neighboring properties. Several options for fencing was discussed including chain link with slats, or wood fencing to keep kids, foot traffic and trash contained. **Ms. Vitale** suggested using split rail because neighboring properties have split rail fences, which would match the existing look in that area. The fencing can go up to the drainage swell, but you cannot fence it. **Mr. DeCross** and **Mr. Ingels** felt the fence should go in before phase two begins. **Jim Matteson** reminded the commission that the actions before the Commission are the Zone Change and the adoption of the Master Development Site Plan concept. Following this is the Tentative Plat but between the Tentative Plat and Final Plat there's still another step and the issues you are raising that are still undecided can be resolved at the Final Plat stage. There is a time period here to resolve the issues of fencing, how much fence, and what stage the fence goes in and so forth. You can ask that it be brought back or ask that it be reported back to you. so there is time, before it goes to the Board of Supervisors, to revisit the issues so they can be resolved amicably. **Ruth Ann Smith** asked questions about the septic system servicing four, five, or six more properties in the event there is any type of system failure, tank problem, leach field problem who will be the responsible? Will the five or six property owners that are utilizing them be financial responsible for fixing the problem, or who has the responsibility? **Jenny Vitale** said the HOA will take the responsibility of all onsite utilities and everyone will pay fees to the HOA to cover onsite septic, waterline breaks, whether it's on your RV space or not, it'll cover road repairs similar to a subdivision. The HOA will definitely encompass all onsite utilities; it will not be like a subdivision where each property owners is responsible for their own lot. **Mr. Fraley** added that there is a maintenance plan in place for the entire park. **Ms. Smith** asked if the CC&R's are in place at this time or are they still working on them. **Ms. Vitale** said they are still in draft form at this point. **Bill Fraley** confirmed that staff is in the process of reviewing them. **Ms. Smith** also asked if there will be an age limit or guidelines on the models that can be moved onto the site so it doesn't end up being a parking place for old used mobiles that people can't get rid of anywhere else. **John Welnick** answered; yes there are very good deed restrictions in place. The thirty foot road width was also a concern; if parking is to be allowed on the roadways. The EMS and Fire Department have had some serious obstacles when they have to go in to Pine Crest Lakes because there's no place for people to park, and if other people are visiting and an emergency arises it becomes problematic to get emergency equipment down these roadways. Will this issue be addressed in the CC&R's? **John Welnick** said, yes that would be addressed. **John Dalton** asked if there were any further comments, being none, **Ruth Ann Smith** made a motion to recommend the Zone Change from CR (Commercial Residential) to Special Development and recommend acceptance of Master Development Site Plan to the County Board of Supervisors. **Bill Fraley** advised the Commissioners that the items needed to be separated into two motions. **Ms. Smith** amended her motion to recommend approval to the County Board of Supervisors for the Zone Change from CR (Commercial Residential) to Special Development. **Jason Hatch** seconded the motion. The vote was; **In Favor: 5**, and **Opposed: 2**: Robert Ingels and Wendell DeCross. Motion was passed by **Resolution No. 08-08**.

Mr. Dalton then asked for a motion for the Master Development Site Plan, **Jason Hatch** made a motion to accept / approve the Master Development Site Plan with the request that the applicant talk to neighbors to come up with a plan to put a screen or fence around the north and east boundaries, **Mr. Fraley** asked **Mr. Hatch** to point out the areas on the map and **Mr. Hatch** indicated the areas to be fenced, but requested that the rest would not be done until the second phase starts construction on the property. **Mr. Dalton** asked for a recommendation on the fence; **Mr. Hatch** said a block fence isn't necessary but they should use some type of screen, whether it be a wood fence, chain link slated fence, six foot in height, or something less that they would all agree to, mainly something to make your neighbors happy would be key, plus the added stipulations as outlined. ***Recommended conditions are as follows: 1. All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction***

Improvement Plans and Grading Plans). 2. A Drainage Study shall be submitted for approval to determine the delineation of the floodplain, floodway and base flood elevations for Phase II. 3. The Army Corp will be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question. 4. Phase II to meet all ADEQ regulations for the on-site sewer. 5. Six foot screened fencing shall be installed on the north property boundary of Phase I upon Site Plan approval. Six foot screened fencing shall be installed on the north and east property boundary when Phase II is developed.

Carol Davis seconded the motion to approve the Master Development Site plan, and in the first phase establish a screen fence of some kind. The second phase fence would go in with the first development along the north and east side, and to include the stipulations as outlined by staff. Mr. Ingels said he could not support the motion as proposed, because it fails to sufficiently meet the requirements that are called for in the Special Development Zone. Mr. Dalton asked if there were any further questions or comments being none, he called upon the commissioners for the final vote. **In Favor: 4, and Opposed: 3: Wendell DeCross, Ruth Ann Smith and Robert Ingels.** Motion was passed with a tie breaker vote from Chairman Dalton by Resolution No. 08-09.

Item #2 – TENTATIVE PLAT: Discussion and possible Commission action on a request by Lynn Welnick, agent for Old West, LLC, for a Tentative Plat for the proposed “Elk Pines RV Resort Condominiums” subdivision, on the subject 9.26 acre property known as APN: 206-27-014L in Township 12 North, Range 17 East, Section 33 of the Gila and Salt River Meridian, in the Heber-Overgaard area. Bill Fraley presented the request to approve the Tentative Plat for Phase I with a review of the project, as shown in Item #1, RV Resort Condominiums covering 6.98 acres. The total number of units would be 68, with the unit size of 0.05 acres. The roads would be private and paved, with private septic systems. Engineering had concerns about the roadway and septic systems, as addressed in Item #1. Staff will answer any questions you may have concerning those items. Flood Control Staff has reviewed the Tentative Plat and noted the proposed project is outside of the FEMA Floodplain, per Map 2164C, but the project site is in the watershed of the Oklahoma Flats floodplain. The Flood Control Staff has no objections to the proposed Tentative Plat given that at a minimum the design of Phase II meet the Drainage Policy adopted by Navajo County in 2007 which states:

“ The storm water drainage facilities shall be designed and constructed so as to insure that the post development flow from the development site is not greater than the pre-development flow for the 2, 10, 50, and 100 year flood events...” The Public Works recommendation should you grant the Plat, would be to apply the listed conditions. There were no questions asked of the Applicant at this time.

Ruth Ann Smith asked if the requirements of the secondary ingress and egress fall into the technical requirements for the subdivision. **Bill Fraley** responded, yes, it was being proposed, and it is in the subdivision regulations, but if ADOT doesn’t approve the access, it cannot be used. **Jim Matteson** added that the subdivision regulations specifically call for two accesses, so that would fall under the first stipulation. Wendell DeCross asked if that was in the technical requirements. Mr. Matteson confirmed, yes, it is in the Technical Requirements. Robert. Ingels asked if the width of the ingress/egress is controlled by ADOT as well as any traffic impact study done to determine the width or if they need any extra lanes? **Mr. Matteson** said that was correct, since it is ADOT’s Right of Way, ADOT governs the width of the accesses and the driveways. This area was rebuilt a couple of years ago and widened out to a five lane configuration, so I can’t imagine they would ask for anything other than what they already have. John Dalton asked if there were fire hydrants on the property and their location. **Jenny Vitale** pointed out the location of the two current fire hydrants and said that when Phase II begins another fire hydrant will be installed. With no further questions or comments, Rick Slone made a motion to accept the Tentative Plat as proposed, and to include the stipulations as recommended by staff. **Recommended conditions are as follows: 1. All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study,**

Construction Improvement Plans and Grading Plans). 2. *Obtain ADEQ approval for park model use on existing septic system.* 3. *Six foot screened fencing will be installed on the north property boundary. Six foot screened fencing will be installed on the north & east property boundary when Phase II is developed.* Jason Hatch seconded the motion. **In Favor: 4, and Opposed: 3: Robert Ingels, Ruth Ann Smith, Wendell DeCross.** Motion was passed with a tie breaker vote from Chairman Dalton by **Resolution No. 08-10.** **Bill Fraley** stated that he will move this item forward as soon as the applicant notifies him that they have met with the property owners who had questions and concerns. Then he will move the Zone change and Site Plan forward to the Board of Supervisors as fast as advertising and posting requirements allow.

Item #3– Board of Supervisor Actions – **Bill Fraley** reported that EZE Storage had gone before the Board of Supervisors, where another stipulation was added to their Resolution allowing Mr. Larson to bring trailers and boats for sale on the property for the period of June 1, 2008 through September 1, 2008. It was requested by the Commission to check with the County Attorney’s office before this item went before the Board of Supervisors to assure that the Board could grant a Special Use Permit, where the CC&R’s say that a commercial use is not allowed. They in fact can grant that permit, because the County supersedes the CC&Rs.

Item #4 – Possible approval of the April 17, 2008 Minutes. **Bill Fraley** informed the commission that the minutes would be placed on next months agenda.

Item #5– Commissioner’s Comments and directions to staff. **Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions choosing.** Robert Ingels thanked staff for their efforts in preparing the materials for the meeting, and was glad to see the commission seats filled with dedicated Commissioners who do their best to evaluate the information provided and make the best possible decision for each item. He also brought to their attention that there was a meeting sponsored by the Arizona Department of Commerce, for new commissioners and seasoned commissioners at which time **Bill Fraley** handed out a reminder notice from the Assistant Manager of the Town of Taylor, regarding the meeting referred to by Mr. Ingels which will be held at the Taylor Fire Department on May 27th, from 9:00 a.m. to 2:00 p.m., with lunch provided by the Town of Taylor. Commissioners were asked to RSVP by the 21st. Commissioners Ruth Ann Smith, Wendell DeCross, Rick Slone and Robert Ingels committed to attend. Wendell DeCross added that sometimes the Chair is put in an awkward position when asking for a motion on these items and no one responds. A motion can be used to either deny or approve an item. If you are against a project, you should make a motion to deny, and see how the vote turns out. We are all a little hesitant at times to make a motion, but it is better than not making a motion at all. The motion is just a prelude to discussion according to Roberts Rules of Order. Robert Ingels, added on making motions, in a recent meeting, after a three hour discussion, the Commission made the recommendation to make **no** recommendation to the Town Council. Motions were going back and forth with no majority vote on any motion. So the chairman sat out on the decision and it was decided to make no recommendation. Mr. DeCross asked if there was a determination made prior to the Commission Meetings to request that counsel attend the meetings. **Mr. Fraley** said that counsel gets a copy of the entire packet at the same time as the Commissioners, and if there is something that is quite controversial, or needs his attention, he would call to say he would want to come in on that item. Or, we do have his phone number in case we need to call him at home. The primary reason given by the County Attorney, for not having counsel attend, is that they are short staffed, and would prefer, unless counsel is really needed, that most of the questions be handled during work hours. Mr. DeCross agreed, but felt that it would be beneficial at times to have counsel here on some of these issues. John Dalton and **Bill Fraley** agreed with Mr. DeCross, and **Mr. Fraley** suggested that this might be something we should express to the Board to have counsel at these meetings. This is a need, and shouldn’t be tied to budget constraints.

Staff does try to get the packets out to you well in advance, but if you see something that you feel would warrant counsel, please make a request, and we will certainly pass that on to the County Attorney's office. **Mr. DeCross** felt that staff would be better able to identify items that would call for counsel. Staff discussed some of the examples of project failures with the commissioners, and emphasized that the rules and stipulations should be followed meticulously. It was suggested that we involve the developer, county, and individuals for the greater good. The question was asked if the County had raised the amount for Assurances, and it was confirmed that the County requires 125% of the Engineer's accurate estimate.

With there being no further business to come before the Planning and Zoning Commission, A motion was made to adjourn the meeting by Wendell DeCross. Robert Ingels seconded the motion. Motion passed, the meeting was adjourned at 7:48 p.m.

Approved this _____ day of _____, _____.

Chairman, Navajo County Planning & Zoning Commission

ATTEST:

Secretary, Navajo County Planning & Zoning Department